

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

LAURA L. PFORTS,

Plaintiff,

vs.

**ADVANCED ORAL AND
MAXILLOFACIAL SURGERY, P.C.
d/b/a EAST COBB ORAL SURGERY
and DANIEL P. BRUNNER,**

Defendants.

:
:
:
:
:
:
:
:
:
:
:
:
:
:
:

Civil Action Number:

1:12-CV-00893-JEC

**JOINT MOTION FOR REVIEW AND APPROVAL OF SETTLEMENT
AND RELEASE AGREEMENT**

COME NOW Plaintiff Laura L. Pforts and Defendants Advanced Oral and Maxillofacial Surgery, P.C. d/b/a East Cobb Oral Surgery and Daniel P. Brunner ("Defendants"), and jointly move the Court to review and approve their Settlement Agreement and Full and Final Release of All Claims. As grounds for this Motion, the Parties show the Court as follows:

1.

On March 15, 2012, Plaintiff brought this action alleging violations of the Fair Labor Standards Act, as amended, ("FLSA"), 29 U.S.C. 201, et seq.

2.

Shortly after service of the Complaint, counsel for the Parties met in person to discuss the facts of this case and the potential for an expeditious and mutually agreeable resolution and have exchanged information in connection with those discussions. Further, and in keeping with those discussions, the Parties jointly sought and obtained Orders extending the time within which Defendants may answer or otherwise respond to the Complaint, with the current deadline for Defendants' response to the Complaint being due on June 11, 2012. [Dkt. 7, 8]

3.

The Parties, acting at arms length, in good faith, and with the advice of counsel, have now negotiated and entered into a Confidential Settlement Agreement and Full and Final Release of All Claims ("Settlement Agreement").

4.

Pursuant to *Lynn's Food Stores, Inc. v. United States of Am.*, 679 F.2d 1350, 1353 (11th Cir. 1982), judicial approval is required to give effect to Plaintiff's release of her FLSA claims, which is a material component of the Settlement Agreement.

5.

Once the Court approves the Settlement Agreement, the Parties will file a

Stipulation of Dismissal of this case with prejudice.

6.

Because the Parties have agreed to keep the terms of the Settlement Agreement confidential, the Parties will submit a copy of the Agreement directly to chambers for the Court's consideration, along with a courtesy copy of this Motion. *See Morales v. L.C. Grading, Inc., et al.*, 1:10-cv-01832-JEC.

7.

The Parties further request that the Court retain jurisdiction over this matter and incorporate the Settlement Agreement into its Order granting this Motion. The Parties, as set forth in their accompanying Consent Motion for Extension of Time for Defendants to File Answer and/or Other Pleadings in Response to Plaintiff's Complaint, further request that the time within which Defendants may answer or otherwise respond to the Complaint be extended while the Court is reviewing and considering this Motion.

WHEREFORE, the Parties respectfully request that this Court review and approve their Confidential Settlement Agreement and Full and Final Release of All Claims. For the Court's convenience, a proposed Order granting this Motion is attached hereto as Exhibit "A".

Respectfully submitted, this 11th day of June, 2012.

**DELONG CALDWELL BRIDGERS
& FITZPATRICK, LLC**

s/ Charles R. Bridgers
Charles R. Bridgers
Georgia Bar No. 080791

s/ Kevin D. Fitzpatrick, Jr.
Kevin D. Fitzpatrick, Jr.
Georgia Bar No. 262375

3100 Centennial Tower
101 Marietta Street
Atlanta, Georgia 30303
(404) 979-3150
charlesbridgers@dcbflegal.com
kevin.fitzpatrick@dcbflegal.com

ATTORNEYS FOR PLAINTIFF

**BIRD, LOECHL, BRITTAIN &
McCANTS, LLC**

s/Richard L. Brittain
Richard L. Brittain
Georgia Bar No. 083275

1150 Monarch Plaza
3414 Peachtree Road, N.E.
Atlanta, Georgia 30326
(404) 264-9400
rbrittain@birdlawfirm.com

ATTORNEYS FOR DEFENDANTS

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

LAURA L. PFORTS,

Plaintiff,

vs.

**ADVANCED ORAL AND
MAXILLOFACIAL SURGERY, P.C.
d/b/a EAST COBB ORAL SURGERY
and DANIEL P. BRUNNER,**

Defendants.

:
:
:
:
:
:
:
:
:
:
:
:

Civil Action Number:

1:12-CV-00893-JEC

CERTIFICATE OF COUNSEL

Pursuant to LR 7.1, NDGa, the below signatory attorney certifies that this pleading was prepared in Times New Roman (14 point), one of the fonts and point selections approved by the Court in Local Rule 5.1 C, NDGa.

s/ Charles R. Bridgers
Charles R. Bridgers
Georgia Bar No. 080791

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

LAURA L. PFORTS,

Plaintiff,

vs.

**ADVANCED ORAL AND
MAXILLOFACIAL SURGERY, P.C.
d/b/a EAST COBB ORAL SURGERY
and DANIEL P. BRUNNER,**

Defendants.

:
:
:
:
:
:
:
:
:
:
:
:

Civil Action Number:

1:12-CV-00893-JEC

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of June, 2012, I electronically filed the foregoing JOINT MOTION FOR REVIEW AND APPROVAL OF SETTLEMENT AND RELEASE AGREEMENT using the CM/ECF system, which will automatically send email notification of such filing to the following attorney of record:

Richard L. Brittain
Bird, Loechl, Brittain & McCants, LLC
1150 Monarch Plaza
3414 Peachtree Road, N.E.
Atlanta, Georgia 30326
(404) 264-9400
rbrittain@birdlawfirm.com

This 11th day of June, 2012.

s/Charles R. Bridgers
Ga. Bar No. 262375
Counsel for Plaintiff

3100 Centennial Tower
101 Marietta Street
Atlanta, Georgia 30303
(404) 979-3150